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EXAMINER
LEBASSI, AMANUEL

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
08/12/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 April 2011</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>22-26,28-40 and 42-44</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>22-26,28-40 and 42-44</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>24 August 2006</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION.

Response to Arguments

1.   Applicant's arguments filed 04/26/2011 have been fully considered but they are

not persuasive.

2.   Applicant argues that the cited references fail to disclose or suggest:

   A. Any point-to-point communications between the terminals . The examiner

   disagrees with the applicant's assertion. Mauger modified by Lunsford teaches

   a Bluetooth system which provides a point-to-point connection **(see paragraph**

   [0040]).

   B. Mauger describes that the terminals are each assigned to a single protocol

   (i.e., H323 or H324 protocols) and does not describe that any of the terminals

   change protocols or does not describe that any of the terminals are operable

   according to first and second wireless standards. The examiner disagrees with the

   applicant's assertion. Mauger discloses where service provider enables

   conversion between the communications protocols used by the two devices by

   comparing the protocols used by each device (see abstract).

   Regarding the applicants arguments on dependent claims limitations, those

limitation where shown by Mauger modified by Lunsford where Lunsford discloses

wherein the method for wireless data transfer realizes a point-to-point connection

between the first multimedia device and the second multimedia device .

Regarding the applicants arguments on dependent claims limitations, those

limitation where shown by Mauger modified by Lunsford in view of Fujioka where

Fujioka teaches a managing unit configured to set at least one of the first wireless

standard and the second wireless standard as a chosen wireless standard depending

on at least one of signal strength, quality of service

Regarding the applicants arguments on combination of references, all references

were analogous and performing similar tasks and therefore are combinable.

Regarding the applicants argument on motivation, the motivation to combine was

shown in the background of the secondary reference.

Therefore the argued features where read upon the cited references or are

written broad enough that they read upon the cited references as follows.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 22-26, 36-39 and 43 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Mauger et al. US 6,937,612 in view of Lunsford et al. US

20020065041.

        Regarding claim 22, Mauger discloses a method for data transfer between

a first multimedia device and a second multimedia device, which first multimedia

device and second multimedia device are connected via a connection that is

operated operable according to a first standard and to a second standard, which

first standard and second standard are different from and/or not compatible with

each other (**abstract, communication method for enabling traffic to be**

carried between devices which may use different communications

protocols employs a multimedia service provide). Mauger discloses an

application data receiving in which application commands, application

parameters, and application data of the first standard are received by the first

multimedia device from an application of the first multimedia device (**col. 2, lines**

62-67 where communication between the user devices is enabled by

converting traffic between the devices according to the protocols used by

each device). Mauger discloses a connection layer processing in which the

application commands, application parameters, and application data are

processed by the first multimedia device to obtain respective connection

commands, connection parameters, and connection data of the first standard

(**col. 6, lines 51-59 where one terminal makes a multimedia call to another**

terminal therefore connection layer processing in which the application commands, application parameters, and application data are processed).
Mauger discloses a choosing in which at least one of the first standard and the second standard is chosen as a chosen standard by the first multimedia device **(col. 7, lines 3-23 where the transport type across the network is selected**). Mauger discloses an adaptation layer processing in which, if the chosen standard is different from a currently applied the first standard, a standard conversion is performed, wherein the connection commands, connection parameters, and connection data are converted into respective processed connection commands, processed connection parameters, and processed connection data of the chosen standard (**col. 7, lines 44-47 - adaptation Layer and col. 8, lines 33-36 where a standard protocol conversion is performed)** and a sending in which the processed connection commands processed connection parameters and processed connection data are sent out by the first multimedia device via the connection according to the chosen standard (**col. 8, lines 27-40 – where the call and data is send by the first multimedia device**).

Mauger fails to disclose a wireless data transfer which first multimedia device and second multimedia device are connected via a point-to-point wireless connection but Lunsford teaches a wireless data transfer which first multimedia device and second multimedia device are connected via a point-to-point wireless connection where a Bluetooth system which provides a point-to-point connection **(see abstract and paragraph [0040]).**

At the time of invention, it would have been obvious to a person of ordinary skill to modify the invention of Mauger and add a wireless data transfer. The motivation would in order to deploy a wireless data transfer (paragraph [0009]).

Regarding claim 23, Mauger discloses a method for data transfer between a first multimedia device and a second multimedia device, which first multimedia device and second multimedia device are connected via a connection that is operable according to a first standard and to a second standard, which first standard and second standard are different from and/or not compatible with each other (**abstract, communication method for enabling traffic to be carried between devices which may use different communications protocols employs a multimedia service provide).** Mauger discloses a transmission data receiving in which transmitted data are received by the second multimedia device, which transmitted data having been transmitted via the connection according to a chosen standard that is at least one of the first standard and the second standard (**col. 2, lines 62-67 where communication between the user devices is enabled by converting traffic between the devices according to the protocols used by each device therefore transmitted data are received by the second multimedia device).** Mauger discloses an adaptation layer processing in which, if the chosen wireless standard is different from the first

wireless standard, a standard conversion is performed by the second multimedia device, wherein the transmitted wireless data are processed to obtain connection commands, connection parameters, and connection data of the chosen wireless standard (**col. 7, lines 44-47 - adaptation Layer and col. 8, lines 33-36 where a standard protocol conversion is performed).** Mauger discloses a connection layer processing in which the connection commands, connection parameters, and connection data of the application wireless standard are converted into respective application commands, application parameters, and application data of the chosen wireless standard (**col. 4, lines 6-19 where a connection supervisor for orchestrating the communication of traffic components between first and second devices).** Mauger discloses an application data processing executed by the second multimedia device, wherein the application commands, application parameters, and application data are provided to an application of the first multimedia device (**col. 8, lines 27-40 – where the call and data is received by the second multimedia device).**

Mauger fails to disclose a wireless data transfer but Lunsford teaches a wireless data transfer (see abstract).

At the time of invention, it would have been obvious to a person of ordinary skill to modify the invention of Mauger and add a wireless data transfer. The motivation would in order to deploy a wireless data transfer (paragraph [0009]).

Regarding claim 24, Mauger modified by Lunsford discloses wherein a switching of the currently applied wireless standard to the chosen standard, the chosen wireless standard being at least one of the first wireless standard and the second wireless standard is performed by: opening a new temporary additional wireless connection between the first multimedia device and the second multimedia device, the new temporary wireless connection operating according to the chosen wireless standard ; and terminating the currently applied wireless standard based on a determination of a need for the currently applied wireless standard (**see above).**

Regarding claim 25, Lunsford discloses wherein the method for wireless data transfer realizes a point-to-point connection between the first multimedia device and the second multimedia device (**paragraph [0010] where the Bluetooth system also provides a point-to-point connection**).

Regarding claim 26, Mauger discloses wherein the adaptation layer processing is performed within an adaptation layer (**col. 7, lines 44-47 - adaptation Layer**

Regarding claim 36, Lunsford discloses wherein the first wireless standard and the second wireless standard are any of the following standards: IEEE 802.11 a, IEEE 802.11 b, Bluetooth (BT), ZigBee, or IEEE 802.15.3; and the

connection commands, connection parameters, and/or connection data

correspond to any of the following standards: UDP/TCP, Bluetooth (BT)

(**paragraph [0010]- Bluetooth (BT)**).

Regarding claim 37, Lunsford discloses a wireless data transfer system

which is capable of and/or has means for performing or realizing a method for

wireless data transfer according to claim 22 (**see abstract**).

Regarding claim 38, Lunsford discloses a computer program product

comprising computer program means adapted to perform and/or to realize a

method for wireless data transfer according to claim 22, when the method is

executed on a computer or a digital signal processing means (**paragraph [0024]-**

where terms such as "implementing," "transferring," "executing,"

"configuring," "initializing," or the like, refer to the actions and processes

of an embedded computer system, or similar embedded electronic

computing device).

Regarding claim 39, Lunsford discloses a computer-readable storage

medium comprising a computer program product according to claim 38

(**paragraph [0024]**).

Regarding claim 43, the combination of above discloses opening a new temporary wireless connection between said first multimedia device and said second multimedia device, the new temporary wireless connection operating according to said chosen wireless standard; and terminating the currently applied wireless standard based on a determination of a need for the currently applied wireless standard (see above).

4.   Claims 28-35, 40, 42 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mauger et al. US 6,937,612 in view of Lunsford et al. US 20020065041 and in further view of Fujioka US 6907227.

Regarding claim 40, Mauger discloses a multimedia device connected with a further multimedia device via a connection that is operated operable according to a first standard and to a second standard, which first standard and second standard are different from and/or not compatible with each other (**abstract, communication method for enabling traffic to be carried between devices which may use different communications protocols employs a multimedia service provide).** Mauger discloses a connection layer configured to receive application commands, application parameters, and application data of the first standard from an application layer, and further configured to process the application commands, application parameters, and application data, thus generating respective connection commands, connection parameters, and

connection data of the first standard (**col. 6, lines 51-59 where one terminal makes a multimedia call to another terminal therefore connection layer processing in which the application commands, application parameters, and application data are processed).** Mauger discloses a <u>managing</u> unit configured to <u>set at least one of</u> the first standard and the second standard (**col. 11, lines 12-21 – standard chosen–LAN or WAN).** Mauger discloses an adaptation layer configured to (**col. 7, lines 44-47 - adaptation Layer,)** if the managing unit changes from the first wireless standard into the second wireless standard or vice versa, perform a standard conversion, wherein the connection commands, connection parameters, and connection data are converted into respective processed connection commands, processed connection parameters, and processed connection data of the chosen wireless standard (**col. 8, lines 33-36 where a standard protocol conversion is performed**)and a sending unit configured to send out the processed connection commands, processed connection parameters, and processed connection data via the wireless connection according to the chosen wireless standard (**col. 8, lines 27-40 – where the call and data is send by the first multimedia device**). Mauger discloses a <u>managing</u> unit configured to <u>set at least one of</u> the first standard and the second standard as a chosen standard (**col. 11, lines 12-21 – standard chosen–LAN or WAN).** But Mauger is silent configured to set at least one of the first wireless standard and the second wireless standard as a chosen wireless standard depending on at least one of signal strength, quality of service of the

wireless connection, a distance between the multimedia device and the further

multimedia device, and/or depending on a direct request from the application.

Fujioka teaches a managing unit configured to set at least one of the first

wireless standard and the second wireless standard as a chosen wireless

standard depending on at least one of signal strength, quality of service of the

wireless connection, a distance between the multimedia device and the further

multimedia device, and/or depending on a direct request from the application

(col. 7 lines 64-67 - QOS).

At the time of invention, it would have been obvious to a person of

ordinary skill to modify the invention of Mauger and Lunsford with that of Fujioka.

The motivation would be because standards depend on distance (**col. 1, lines

21- 29**).

Regarding claim 28, Fujioka teaches wherein the chosen wireless

standard is chosen depending on properties of the wireless connection, a

distance between the first multimedia device and the second multimedia device,

and/or depending on direct requests from the application (col. 7 lines 64-67 -

QOS).

Regarding claim 29, Fujioka teaches wherein the chosen wireless

standard is chosen depending on a battery condition of the first multimedia

device and/or depending on a battery condition of the second multimedia device

(**Fig. 3 and col. 5, line 23-36, depends on battery power**).

Regarding claim 30, Fujioka teaches wherein the properties of the wireless connection comprise signal strength, quality of service, and energy efficiency (col. 7 lines 64-67 - QOS).

Regarding claim 31, Fujioka teaches wherein the distance between the first multimedia device and the second multimedia device is determined based on positioning system data (col. 10 lines 65-67 - distance).

Regarding claim 32, Fujioka teaches wherein the choosing of the chosen wireless standard is performed by a management unit (col. 6 lines 23-26).

Regarding claim 33, Fujioka teaches wherein the first multimedia device is a video camcorder and the second multimedia device is a data processing means (col. 4 lines 62-67).

Regarding claim 34, Fujioka teaches wherein the data processing means is a personal computer, a notebook, a video recorder, a television set, personal digital assistant, a portable phone, a stereo headphone, and/or a mobile video viewer (see abstract).

Regarding claim 35, Mauger modified by Fujioka discloses wherein the management unit informs the application which chosen wireless standard is chosen and the application adjusts a bit rate of the application data depending on the chosen wireless standard (**col. 11, lines 12-21**).

Regarding claim 42, Mauger modified by Fujioka discloses Multimedia device according to claim 40, wherein the multimedia device is a video camcorder, personal computer, notebook, video recorder, television set, personal digital assistant, or a portable phone **(See Fig 2, Fujioka reference)**.

Regarding claim 44, the combination of above discloses wherein the adaptation layer is configure to open a new temporary wireless connection between said first multimedia device and said second multimedia device, the new temporary wireless connection operating according to said chosen wireless standard; and terminate the currently applied wireless standard based on a determination of a need for the currently applied wireless standard (see above).

Conclusion

1.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

2.   Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to Amanuel Lebassi, whose telephone number is (571)

270-5303. The Examiner can normally be reached on Monday-Thursday from 8:00am to

5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor, Nick Corsaro can be reached at (571) 272-7876. The fax phone number for

the organization where this application or proceeding is assigned is (571) 273-

8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist/customer service whose telephone number is

(571) 272-2600.

Amanuel Lebassi

     /A. L./

8/4/2011

/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617